

Meeting of 1999-1-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 26, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by CPT Alan Hill, Salvation Army Citadel, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 Richard Williams, Ward Two
 Jeff Sadler, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF OML HONOR ROLL OF SERVICE AWARDS TO IMA MYERS AND FRANK PONDROM.

Mayor Phil Kliewer, representing the Oklahoma Municipal League, presented Certificates of Honor and lapel pins to Ima Myers and Frank Pondrom for 25 years of municipal service. Names of these employees will be permanently inscribed in the Oklahoma Municipal League's Honor Roll of Service.

Mayor Powell introduced Paul Hill, representing Republic Paper Company. Mr. Hill presented a check in the amount of \$1,000 to Fire Chief Don Barrington for the City's Fire Prevention and Education Fund. Hill explained the outstanding work of the Fire Department in responding to a fire at a construction trailer at Republic Paper. Chief Barrington said he appreciated the donation and that he had invited the crews who provided those firefighting efforts to attend this meeting. Mayor Powell recognized firefighters Mark Mitchell, Joe Latimer, Rick Catlin, Mark Tate, Greg Caldwell, Larry Burlison, Jamie Abraham, Raymond Adams, Mark Murphy and Jimmy Sanders, as well as several others. Beller said those at Republic Paper should be commended both for this donation and for their adoption of 150 angels from the Salvation Army Angel Tree during the Christmas holiday.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO HENRICA MOORE, COMMUNICATIONS DIVISION, INFORMATION SERVICES DEPARTMENT

Doug Wells, Information Services Director, introduced Henrica Moore, who was accompanied by her grandchildren. Wells said Ms. Moore teaches classes for children ages four to nine on the appropriate use of the 911 system, and that she is available to provide this training upon request. She is a training officer for 911 and she is certified to do individual training. Mayor Powell presented a Certificate of Honor from the City, a plaque from T & S Printing, two days of nonchargeable leave, and gifts from Hollywood Video, El Zarape, Auto Shine, Golden Corral and the Hair Loom. Moore said she appreciated the recognition and that the 911 system would not be possible without the help of the Fire Department, Police Department, ambulance and medical personnel.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF JANUARY 5 AND REGULAR MEETING OF JANUARY 12, 1999.

MOVED by Williams, SECOND by Haywood, for approval of the minutes. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Terry and Danny Wilcoxsen, appeared to request City water service to their residence, which is outside the City limits approximately one mile east and one and a half miles south of the KSWO TV tower in Sunnyside Acres. Mrs. Wilcoxsen said

they have been using well water since they moved in their home seven years ago and explained the problems with the quality of water from the well. She said they had followed the proper channels, starting with the Mayor, and that they kept getting passed to other people but they do not call them back. Mrs. Wilcoxsen said they would like the Council to amend the board at Sunnyside Acres or something; there are only 35 meters allowed and 32 of them are currently in use, and three people have more than one meter but they are not willing to sell them one. She continued to discuss the problems with the well water and steps they take in trying to purify it.

Mayor Powell said he and the City Manager met with the Wilcoxsen's, as well as the Revenue Services Supervisor and City Planner, and that he thought it was being taken care of. Powell said he knew the City staff had done what they could to help. Baker said there is a problem with the water association, and the contract with that group could be amended if the water association would agree to an amendment. Baker said there is another water association in the vicinity along Highway Seven that may be able to help also.

Shanklin said the Committee on Outside Water Sales did not receive a request from the Wilcoxsen's and suggested this be placed on their next agenda. Vincent said this was the first he had heard of it and the City could amend the contract, but only with the approval of the association, and that the City could not force the association to grant the Wilcoxsen's request. Beller suggested that be looked at when the contract comes up for renewal. Shanklin said the City wants to sell the water and the Committee would consider the request at its next meeting.

Clarence Williams, 1508 SW 4th Street, said he was present to compliment Code Enforcement, which he had been working with, and that he had spent his first day in jail but was not aware that he was going to have to do so. He said a City inspector had assure him that he would go in the morning and clear what they had been working on; also, he had left something with the secretary for Mr. Tucker. Williams said the codes are being enforced.

UNFINISHED BUSINESS:

1. Consider extending contract for Work Clothing. Exhibits: Vendor's Mailing List; Bid Tabulation; Department Recommendation.

Baker said this was tabled at the last meeting because employees had contacted Council members expressing concerns. He said directors had provided responses that the clothing is of good quality and that deliveries have been made in a timely manner, and recommended extension of the contract.

MOVED by Shanklin, SECOND by Smith, to approve extending the work clothing contract with Wearguard. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Hold a public hearing and consider an ordinance closing a portion of a platted utility easement on lot 26, Block 13, Austin Addition, Part 2, located at approximately 4635 NW Santa Fe, and declaring an emergency. Exhibits: Survey; Location Map; Ordinance No. 99-4.

Bob Bigham, City Planner, said the request was submitted by Chuck Wade, attorney for the property owner. There is an encroachment of a single family dwelling unit at 4635 NW Santa Fe. Exhibit 2 is a mortgage certificate showing an encroachment 5.9 feet into the 15 foot platted easement. The property is being sold and this was brought out as a title exception. Vacation in District Court will be required. Property owners and utility companies have been notified of this request; Lawton Cablevision, ARKLA Gas and PSO responded that they had no objection and Southwestern Bell did not respond. The City has no utilities in the easement. Bigham said the proposed ordinance is to close the west six feet of the 15' easement, although the property owner requested closure of 10'.

Purcell asked if this was similar to a property on Ferris that Council considered before where a house had been in that location for 40 years. Bigham said yes, although that case involved street right of way rather than a utility easement.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Smith, to approve Ordinance No. 99-4, waive reading of the ordinance, reading the title only, and declare an emergency.

(Title read by Clerk) Ordinance No. 99-4

An ordinance closing a portion of a platted utility easement located on Lot 26, Block 13, Austin Addition, Part 2, to the City of Lawton; and declaring an emergency.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

3. Consider a request from Great Plains Improvement Foundation, Zoe N.E.E.D. Program, Inc., and the Harvest Time Church for the acquisition of property in the Lawton View Area for redevelopment, and take appropriate action. Exhibits: Letter of Request from GPIF, Inc.; Letter of Request from Zoe N.E.E.D., Inc.; Letter of Request from Harvest Time Church; Letter from Zoe N.E.E.D., Inc. (opposing redevelopment for apartments); Legal Opinion 99-02.

Bigham said the City received requests from the organizations listed for the purchase of surplus property in the Lawton View area. During the close out of two Urban Renewal Plans, the City obtained a number of properties in this area. The two plans in question are the Rose Hill Project and the Pleasant Valley Project. The City has sold a substantial number of properties in the Lawton View area over the years, however, there are many that the City still owns in the area of the two, closed out Urban Renewal Plans. Maps of the areas being discussed were presented.

Bigham said the request from GPIF is for Blocks 109 and 120, Lawton View Addition, which consist of approximately 6.2 acres, in the area of 11th Street and Bishop Road. Proposed use is a 52-unit affordable housing project; request is for conveyance of the property for \$1 or to enter into a long-term lease for \$1. GPIF is applying for funds for the project with a deadline of February 1, 1999.

The second request is from Zoe, NEED, Inc. for all of the properties in the Lawton View area. The proposal is for four development phases; Phase I is residential redevelopment of lots in Lawton View Addition, and that area is properly zoned and the plan calls for residential development. Phase II is Blocks 3 and 4 of Plainview Addition for property that was acquired for a school site and the Urban Renewal Plan has it restricted for public facilities, which would require an amendment to the Urban Renewal Plan and possibly the Land Use Plan for development into single family residential. Phase III is redevelopment of lots in Florida Addition and Woodhouse Addition and the subdivision of Blocks 6, 7 and 8 for single family. The Urban Renewal Plan calls for single family and it is properly zoned. Phase IV is for Blocks 109 and 120 located on 11th and Bishop, which is the same request as the Great Plains Improvement Foundation. This property is zoned industrial and the Urban Renewal Plan has it restricted for commercial, light industrial. Zoe's plan is to redevelop the property as commercial or light industrial.

The third request is from Harvest Time Church by Pastor Kenneth Simmon, for the acquisition of Lots 27 through 32, Block 117, Lawton View. The church is in the process of buying additional lots in this block from the Hunting Horse Methodist Church.

Bigham said the City Attorney's Legal Opinion 99-02 states the City cannot give or sell for a nominal cost, surplus land to either a profit or non-profit entity, without payment of the fair market value. The options for Blocks 109 and 120, Lawton View, which are the commercial/industrial lots, would be: The first option is the City could retain the property for industrial development and sell for a fair market value or sell for a reduced market value providing the developer meets the criteria of the Oklahoma Statutes and Oklahoma Constitution in the form of economic development or industrial activities, and retail or residential would not fall under this category. The second option would be to declare the real estate as non-essential property and advertise it for sale at fair market value. The third option would be to transfer the property back to the Urban Renewal Authority for disposition with guidance from the Council.

Beller asked what was meant by disposition with guidance from the Council. Bigham said if Council had any instructions regarding how it would like the Urban Renewal Authority to dispose of the land, such as whether it should be residential property or if it should stay as shown in the plan, that would be good guidance. Bigham said, as an example, if Council transferred it back to LURA, wanting the GPIF request to be honored for a residential development, then it would have to go through rezonings and plan amendment, or Council could suggest the property be developed as commercial/industrial and the zoning or plan not be changed.

Beller said the City cannot give the property away according to the attorney, and possibly it could be transferred back to LURA and the agencies involved could apply for CDBG funding. He said he would like to make a motion to transfer it back to LURA, at the proper time, and look at the restrictions that may or may not be needed.

Mayor Powell asked the attorney to respond as to what could or could not be done and what can happen if it is transferred back to LURA. Vincent said the requests came in from the three agencies for the City to declare the properties surplus and either donate it or have a long term lease, and under the Charter provisions, the City is not authorized to do that with this type of property which was purchased with CDBG money. There are certain restrictions in both the Pleasant Valley and the Rose Hill redevelopment plans, which have both been closed out, but the restrictive conditions remain in effect. Any development of property in those areas will have to meet the plan, or the plan will have to be amended to allow for the redevelopment based on certain requests. LURA has more flexibility in the way they negotiate and deal with the property, however, since they are in redevelopment areas, any redevelopment will have to be done in accordance with the plans. Mayor Powell asked if the Council can change the plans. Vincent said if the plan needs to be changed, it must go through the plan amendment process through LURA then brought for Council consideration, and an existing plan cannot be changed without Council approval.

Beller said Council received a flyer stating that other governmental entities have been transferring properties similar to this situation. Vincent said he received a copy of a newspaper article yesterday from the January 21 Daily Oklahoman concerning inner city lots given away by the Oklahoma City Council. The Oklahoma City Attorney's Office faxed the complete package of events that took place giving rise to the newspaper article. Oklahoma City has more flexibility in that they receive federal grants that allow for the purchase and transfer of property under the federal guidelines, which supersede the Charter, and Lawton does not have that ability. Also, those 13 lots in question were tax lots, received by Oklahoma County from a Sheriff's Tax Sale where no one bought them so they were deeded to the County, and under an agreement between the County and Oklahoma City, Oklahoma City acts as a straw person, the property is transferred from the County, through the City, to the qualified agency. Oklahoma City may have held liens on those properties, perhaps for weed and grass abatement or demolition costs, and Oklahoma City, in the straw man transfer, waives the collection of those liens and debts owed to Oklahoma City, so the property is then technically given from the County to the agency, and

in this case it was the Central Oklahoma Habitat for Humanity. Lawton cannot do this and these lots were not obtained in that manner.

Purcell asked if Council could transfer the property back to LURA without giving any guidance, and LURA can return the items if rezoning or plan amendments are needed. Bigham said yes.

MOVED by Purcell, SECOND by Beller, to convey all City owned lots being discussed, with the exception of a park in that area, to the Lawton Urban Renewal Authority.

Shanklin asked who would be responsible to bring utilities to these lots, which have been vacant for 20-25 years. Bigham said that would be part of the redevelopment proposal, and it would be taken into consideration as offers are made on the properties. Shanklin asked if it would be the City's responsibility. Bigham said it would have to be requested through the Council. Bigham said Blocks 3 and 4 of Plainview Addition may not have all the utilities, so that would be part of the proposal for the redeveloper to install those utilities or he could make a request to the City to install those. Bigham said that had not been discussed as part of the redevelopment. Shanklin said Council needs to know that before it gets a surprise package.

Shanklin said when LURA gave an individual the right to develop a tract of property, there was a time frame specified after the project was approved. He asked if that was still the case. Bigham said yes, LURA would have the option of selling the property without a redevelopment contract that specified a time limit, or a time limit could be included. Bigham said on residential property, they may have, for example, two years to complete the project before a certificate of completion was issued. Shanklin asked if a person could own property there and not have done anything with it for ten years, as an example. Bigham said there are properties that were sold without a redevelopment contract and some still remain vacant. Shanklin said it would benefit a particular person if he were to buy it for a very low price from LURA and retain ownership for years for future profit speculation. Shanklin said they should be sure the City is not held responsible to install very expensive utilities, in addition to giving away the land.

Haywood said the entire area is in Ward 7 and it has been vacant for 27 years. He said it is important that the land in Lawton View be redeveloped, and hopefully these three groups will accomplish that goal. Haywood said in 1977, the land was given to the City of Lawton by LURA, and that he hoped it would be transferred back to LURA to allow for revitalization of the area, because it had been a long time in coming.

Sadler said he agreed the area needed to be revitalized. He said the Harvest Time Church requested only five, small lots, and it would be best to return the two square blocks to LURA, but it may be better for the City to retain the five lots, declare them surplus and advertise it for sale since the other two entities are not interested in those lots. Bigham said that is an option. Sadler said those lots have been typically sold in the \$1,000 range and the church could bid what it saw fit, but it might be better to bid those five lots to speed up the process. He asked how long it takes for LURA to process the requests.

Vincent said Shanklin had expressed a concern, and the State Legislature had amended LURA's ability to sell surplus properties. Prior to 1997, LURA did not need Council approval to declare property surplus and sell it, and they still do not need Council approval to declare it surplus, but before any sales transaction is complete on any surplus property by LURA, it must be approved by the City Council.

Haywood said GPIF needs to have its application in by February 1. He asked how soon this could be done to allow that application to be made. Bigham said he had talked with Robert Sanders, the developer for the affordable housing project, and with the Oklahoma Housing Finance Authority, which is providing funding. Bigham said he discussed the conveyance with Christi Nichols and advised her of the situation with the property. Bigham said he would be happy to submit a letter advising where we are in the process; they will not approve the affordable housing projects until May, so if GPIF is selected by LURA for redevelopment, there will be multiple steps which will be difficult to get accomplished by May.

Sadler asked how long it takes LURA to process these requests. Vincent said for the Harvest Time request, it could be declared surplus and advertised for sale fairly quickly, but if they go through the redevelopment process, which could allow a lower price for the property, it would take longer. Vincent said a sales transaction could probably be completed in 45 days.

SUBSTITUTE MOTION by Sadler, SECOND by Williams, to declare Block 117, Lots 27 through 32, as surplus property and authorize staff to go out for bids, and transfer the remaining property being discussed to LURA, less the park, as indicated in the previous motion. (See amendment below)

Purcell said he agreed with the Substitute Motion and asked to withdraw his original motion. Vincent said the City closed several streets and alleys in the 1970's and there are utility lines in use, but there was not a concern for easements since it was City property. Vincent said when the property is deeded back to LURA, there will be a need to reserve the easements. He requested the motion be amended in that regard. Sadler and Williams agreed to amend the motion as suggested by the City Attorney.

Sadler said the drawing in the agenda folder did not adequately show the property in question. He asked how many lots are actually being transferred. Bigham said Blocks 109 and 120 would be about 75 single family lots. Mayor Powell said Sadler's motion takes out only Lots 27 through 32, Block 117, Lawton View, and transfer the remainder, less the park and

easements.

Shanklin asked if the motion was acceptable to Harvest Time Church where the suggested approach would require fair market value. Vincent said it would go out for bid. Beller said the City Attorney's opinion requires payment of fair market value to the City. He asked if LURA had the ability to do that differently from the City. Beller said it could take the City six months to decide what fair market value might be. Vincent said LURA can have the Harvest Time Church present a redevelopment plan, and go through a negotiation process, if they were chosen over another applicant, or they can declare it surplus and go through the same procedure the City would have to go through, that being sealed bid or open auction, and come back to Council for approval, which would be an added step. Beller said he thought it would work better to transfer it all to LURA. The pastor of Harvest Time Church indicated it would be acceptable to him to proceed according to the motion, and that a time frame of six to nine months would be acceptable to him. Purcell said it might be cheaper for the church if it went through LURA.

Haywood said proceeds from the sale would go to CDBG. He said this should be expedited because they had been waiting for 20 years to get the redevelopment done. Haywood said the parties are interested and \$4.2 million may be spent in the area if this can be accomplished, and it should not require waiting three, four or six months. Vincent said in order for GPIF to meet the deadline and get a letter to OHFA, it would have to go to LURA because the City would have to declare it surplus and receive bids, and there is no guarantee that GPIF would be the successful bidder. Haywood said GPIF has been asking to get this on the agenda since last October, and this could have been underway by now if it would have been handled then.

Warren said the cost was the factor to consider, especially with GPIF, because if that property is advertised for bid, it would be much more expensive than it may be under LURA.

Mayor Powell said the motion on the floor includes all utility easements, not just City easements. Vincent agreed.

VOTE ON MOTION: AYE: Shanklin, Haywood, Smith, Williams, Sadler, Purcell. NAY: Beller, Warren. MOTION CARRIED.

4. Consider approving a request from the International Trombone Association, in concept, to build an International Trombone Headquarters Building and Museum in Elmer Thomas Park and a revision of the Elmer Thomas Park Master Plan to include fine arts facilities. Exhibits: 2/23/98 Parks & Recreation Commission Minutes; 9/29/98 Letter from John Kinslow; 10/14/98 Memo from Acting Parks & Recreation Director; 10/26/98 Memo from City Attorney; 11/6/98 Letter from City Attorney; 12/14/98 Letter from John Kinslow; Aerial Photograph.

Vincent said on September 29, 1998, the Acting Parks & Recreation Director received a letter from John Kinslow, attorney for the International Trombone Association, requesting the City lease property in Elmer Thomas Park for the construction of their new headquarters building and museum. He said that was forwarded to his office and he had worked with Mr. Kinslow since that time. The exact size of the lot needed is not yet known because there has not been a design; it will likely not exceed four acres. Property is between the proposed bike path and the existing road, on the northwest side of the Percussive Arts Society building. The request is for Council to approve, in concept only, the potential leasing of the property to the ITA. The motion from the Parks & Recreation Commission was to begin preparing a new master plan for Elmer Thomas Park to include space for the ITA, and the master plan revision has not been prepared.

Williams said the master plan is needed, and the buildings that might be identified in the plan would be built along the road that adjoins on the west side. He said he supported the proposal.

Mayor Powell asked what was meant by the information on Page 47. Vincent said a headquarters building in and of itself is not permissible because Elmer Thomas Park has a deed restriction when the park was transferred from the federal government to the City of Lawton. The deed restriction provides that the only facilities that can go in the park are those which have a public purpose nature, and a headquarters building only may not meet the definition of public purpose. He said based on his conversation with Kinslow, there will be a museum as a part of the facility, so it would be similar to PAS and would be allowed.

Purcell said he supported the concept and felt it was a logical location. He asked when a new master plan would be done. Baker said it is on the list for the new Parks & Recreation Director and it will be one of the priority items for his attention.

Warren said he felt it would be a wonderful addition for the area, and that the ITA should not have to wait for a new master plan because it has been so long in coming.

MOVED by Williams, SECOND by Haywood, to approve in concept the use of this tract of land in Elmer Thomas Park for the purpose of the International Trombone Association headquarters building and museum and direct staff to pursue the revision to the master plan to include the fine arts facilities. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Consider approving construction of a bathroom and lagoon system located at Robinson's Landing, Lake Lawtonka. Exhibits: Engineering Division Study of Robinson's Landing Sewer Facility; Map of Proposed One-Way In/One-Way Out Access System.

Mike Shaw, Assistant Public Works/Engineering Director, said the item is for approval of the facilities described, and the

background also mentions the one way in/one way out access but that will not be done until fiscal year 1999-2000. The restroom situation at Robinson's Landing has been a point of discussion for some time because the concessionaire cannot expand his facilities until this improvement is made. A study has been done on the present system and it was included in the agenda folder. The recommendation is that a new facility be built, to include a lagoon, which will be 1,000 feet away from the lake area, north and east of the present facilities. City crews will construct the lagoon and force main system, and crews have done this type of work before at a considerable savings. The bathroom facility will be ADA accessible and as maintenance free as possible.

Warren said he felt it was a worthwhile project but expressed concern that \$25,000 is suggested to come from Council Contingency. Purcell said he agreed that was not the appropriate funding source, and Fund 35 is identified for \$63,202 but the Fund 35 list does not clearly indicate that amount for this project. He asked which projects listed in Fund 35 would total the \$63,202. Shaw said \$21,569 is identified for new bathrooms. Purcell asked what other projects from Fund 35 could be identified for the \$25,000. Baker said he could identify that amount from Fund 35 and that he had prepared a memo stating that he would be reviewing Fund 35 as budgets are reviewed with department directors, and if the funds have not been encumbered or there is not a contract for the item, he planned to lapse those funds which would become part of the carry over, and the items would have to compete with the rest of the budget for funding. Baker said the exception will be the lakes projects which were set up under a different funding process for their own capital improvement program. Baker said he had some entries in mind from Fund 35 for this project, rather than using Council Contingency. Purcell asked if Fund 35 support would then be \$85,202. Baker said the Finance Director would assist in that funding review.

Williams asked how firm the wildlife grant funding might be. Shaw said he felt it could be obtained and that he had spoken with Larry Cofer about it.

Baker said on the one way in and one way out access, Public Works had originally asked that it be included in this item but it will be next fiscal year before the work would be done so he suggested that be considered in next year's budget.

MOVED by Williams, SECOND by Smith, to approve the construction of the bathroom and lagoon system located at Robinson's Landing at Lake Lawtonka with the funding source identified, with the City Manager identifying \$85,202 out of Fund 35 to make those numbers work out. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

6. Consider awarding contract for Sewer Rehabilitation Equipment II. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation.

Steve Livingston, Finance Director, said the recommendation on the tractor with box blade item caused the item to be on the regular agenda. There have been delivery problems with the low bidder and the recommended vendor is the next low bidder.

Williams asked if the vendor had been awarded a lot of items. Livingston said one contract had to be canceled because about 100 days lapsed and the equipment was never delivered, and there is a tight schedule on the sewer equipment. Williams said staff justification for awarding to the second low bidder was that time was of the essence and it specifies delivery 60 days after receipt of order. Vincent said there was an outstanding contract where shipment was due in Lawton on September 5, 1998, on a backhoe, and after numerous contacts with the vendor and numerous reasons being given as to why it was not received, in January, the City Manager notified the vendor that the contract was canceled and there has still been no word on the backhoe.

MOVED by Shanklin, SECOND by Purcell, to approve the item as recommended. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Staff recommendation was: Award contract for sewer rehabilitation equipment with Standridge of Duncan (Item 1); and C.L. Boyd Company (Items 2, 3, including extended warranty, and 4), and authorize execution of the contracts.

7. Consider a request from Mr. Raymond G. Schmidt and Mrs. Sherrill V. Schmidt (Borrower's), d/b/a Schlotsky's Restaurant, Lawton Franchise, for re-finance of their current CDBG Small Business Loan. Exhibits: None. All documents available in City Clerk's Office.

Frank Pondrom, Housing and Community Development Director, said a balloon payment was due last October and it was not made. The balloon payment was part of an effort to try to get as much of the money as possible back into the CDBG Program. An agreement has been worked out to allow the same monthly payments to continue and the documents have been reviewed by the City Attorney's office.

Beller said these people have worked hard for the last seven years trying to make a success of this business, and that he would support the loan.

MOVED by Beller, SECOND by Shanklin, to approve the loan in the amount of \$13,205.84 to the Raymond and Sherrill Schmidt, d/b/a Schlotsky's Restaurant. (amended below)

Warren asked if the Council could do away with the penalty amount and just finance the \$12,984.32. Williams said he agreed. Vincent said that is within the prerogative of the Council but when they were reviewing the first refinancing loan

document, it provided for a default penalty if they did not make the balloon payment, which they did not do, and it was 6% for one month. Vincent said staff did not have the authority to waive that, but Council can do so.

Beller and Shanklin asked that the motion be amended to waive the penalty amount of \$221.52.

VOTE ON MOTION: AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

8. Consider directing staff to return the appropriate documents to allow the Municipal Judge to perform marriage ceremonies and to set an appropriate fee for this service. Exhibits: None.

Warren asked if Council should determine the amount to be charged so staff could include it in the documents to be returned. Vincent said staff could do a study on the going rate. Smith said the County charges \$10. Purcell asked if the Judge wanted to do this due to the time involved.

Municipal Judge Ken Harris said he would be delighted to do this, and it would be a five minute ceremony. He said the people may not bring sufficient witnesses with them, and that he did not want to impose on the Court Clerk's staff, but the bailiff can be a second witness if needed.

Shanklin asked why this item had to be brought back. Vincent said an ordinance is needed to authorize the activity because the State Statutes says it may be authorized.

MOVED by Williams, SECOND by Smith, to ask staff to put together the proper paperwork and bring it back for Council approval. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

9. Receive a briefing and status report concerning juvenile cases and take appropriate action. Exhibits: None.

Purcell said he requested the item because during last year's budget, there was anticipated revenue for this particular item, as well as some costs, and he was wondering when this would be done. He said there had been several acts of vandalism and similar problems, which are handled by District Court, but they had more important things to do than prosecute juveniles for minor acts of vandalism or curfew violations. Purcell said he thought this was going to be done but that it may not have gotten very far and he requested an update.

Vincent said he, Judge Harris, Frank Jensen and Bill Adamson had held numerous meetings with the current sitting Associate District Judge, Judge Stratton, concerning this issue. Judge Stratton was recently elected to this position and took office January 11, and meetings were held with Judge Lyle prior to that time. The judges are in agreement that they wish to give Judge Stratton, who is a former prosecuting attorney in the juvenile arena, a chance to see what he can do with the current system before they go any further. State Statutes require a contract between the City and the District Court before the City can assume jurisdiction, and right now, they are not willing to enter into that agreement until Judge Stratton has had an opportunity to try his program. Purcell asked if that would be for another year. Vincent said Judge Stratton indicated it would take him approximately one year to evaluate the current system, and that he would propose continuing the existing initiative in next year's budget at the same funding level. Vincent said the funding that was done in this year's budget was from anticipated juvenile fines, and if we started the program January 1, 2000, there would be a need for supplemental funding for the City to operate the program.

10. Consider approving plans and specifications for the Street, Driveway and Sidewalk Concrete Repair Project 99-1 and authorizing staff to advertise for bids. Exhibits: None.

Shaw said since July 1, 1998, there have been over 1,700 water main and service main breaks. During an average year, there are between 650 and 700 breaks for a full, twelve month period, but because of the drought, the crews were overwhelmed. The breaks were repaired by 13 employees who were reassigned to 24- hour a day shifts, seven days a week. The two clean up crews have not been able to adequately restore the yards and driveways so assistance has been provided by six employees from Parks & Recreation, six from the Street Division, and a couple from the Wastewater Treatment Plant. Crews are behind 430 projects at this time, and that is a combination of yard restoration and concrete work. There are 97 concrete jobs pending. Shaw recommended approval of a plan to obtain a requirements type contract for a local vendor to do some of the concrete work. He said the \$50,000 shown will not take care of all 97 jobs, and some would still be done in-house, but the ability to contract out a portion of the work would be a great benefit to residents waiting for this work to be done.

Shanklin asked if it would be a blanket contract or if each job would be bid individually. Shaw said each site would not be bid invidiously and there would be different scenarios regarding sidewalks, curb and gutter, streets, and driveways, and it would likely be bid on a linear foot basis.

Williams said staff had done an excellent job given the circumstances. Purcell agreed and said he appreciated the other divisions being asked to help out in an attempt to save money.

MOVED by Purcell, SECOND by Warren, to approve the plans and specifications for the Street, Driveway and Sidewalk Concrete Repair Project.

Baker said he appreciated Public Works efforts in this regard. He said the citizens have been very gracious and patient, and that was appreciated, and this should allow a quicker response. Mayor Powell said he appreciated Baker's efforts in having other crews help out in this area.

Williams said mention was made that the drainage channel on Squaw Creek, southeast of Second and Lee Boulevard, should be cleaned out by the property owners since the City has no easements or right of ways. He asked the status of the project. Baker said Code Administration is pursuing that with the property owners who are responsible for cleaning that area of the channel, and it has been a problem for a long time.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

11. Consider engaging the consulting firm of Commonwealth Personnel Management Services to conduct a classification and pay plan review. Exhibits: None.

Chuck Bridwell, Human Resources Director, said Council authorized staff to send out requests for RFP's and seven responses were received. The proposals were evaluated by the City Attorney, Finance Director, Safety & Risk Officer, and Human Resources Director. Recommendation is to engage the firm of Commonwealth Personnel Management Services at a not to exceed fee of \$26,000, and the work is to be done in no more than 12 weeks. He said the firm appears to understand Council's concern for pay for the career employee and he felt they would do a good job in communicating with City employees.

Williams asked the reason for the differences in prices from \$26,000 to \$89,000. Bridwell said the prices were fairly stable between \$26,000 and \$33,000, but one firm submitted a proposal for \$60,000 and another firm submitted \$89,000, so those two firms were much higher.

MOVED by Purcell, SECOND by Smith, to authorize that Commonwealth Personnel Management Services be engaged to perform a classification and pay plan study for a fee not to exceed \$26,000 from Council Contingency.

Mayor Powell asked if the 12 week time frame should be included in the motion. Purcell said it was a part of the proposal and Baker said it will be part of the contract.

Shanklin asked if the firm would go through the whole thing again, or if it would be just for those at the maximum step. Purcell said it will be for the whole system, and it should address someone starting work on their first day and then retiring 25 or 30 years later, with a progressive pay plan to cover the whole time. Purcell said when the last study was done, one group did part and another group did another part and this will cover it all, and a fairly good pay plan should be the result where the only future consideration would be the cost of inflation, as opposed to the cost of living increases, longevity pay, and all the other things. Purcell said they should grandfather in the current employees, but this would be for new employees. Shanklin said the City spent about \$50,000 on the pay plan in place now only three or four years ago. Purcell said it is not working, and this should be a consolidated effort by one person who knows what they are doing.

Shanklin asked if we would look at those who may be recommended to get excessive pay raises and last time there were those who got 25% pay raises. He said he personally did not want to see that and did not think it was correct. Purcell said it would be up to the Council to adopt the plan or not.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

12. Consider an ordinance amending Section 21-304C, Chapter 21, Lawton City Code, 1995, pertaining to sealing and signing of construction plats by a professional engineer, and declaring an emergency. Exhibits: Ordinance No. 99-5.

Williams said a provision shows the engineer would only stamp the plat in one place and asked how that would be noted. Vincent said if the same engineer does all of the documents, he would provide an index sheet which would contain his seal.

MOVED by Warren, SECOND by Beller, to approve Ordinance No. 99-5, waive reading of the ordinance, reading the title only, and declaring an emergency.

(Title read by Clerk) Ordinance No. 99-5

An ordinance related to land subdivision revising Section 21-3-304C, Chapter 21, Lawton City Code, 1995, pertaining to sealing and signing of construction plat drawings by a professional engineer; providing for severability; and declaring an emergency.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

ADDENDUM: Discuss processing of proposed ordinances that may be sent for review by other agencies and take appropriate action. Exhibits: None.

Beller said he saw the proposed ordinance that would deal with grease entering the sewer system and that Ronnie Graves and his staff had given an excellent presentation to the restaurant association in this regard. He said he was concerned

that they were going to prohibit additives which many restaurants use to break down the grease, and that was amended to allow it for a trial period. Beller said his main concern was that the ordinance went to DEQ without the knowledge of the City Council, but that was not correct because Council received a copy of the proposed ordinance last July. He said the ordinance does contain some serious regulations, and that he had a concern about the 200 milligram legal limit being placed on the restaurants, although Graves had assured him it was an attainable figure. Beller suggested examples from other cities be examined on minimum limits. He said the ordinance also adds apartment buildings, so it would be best for Council to be provided copies of the ordinance for thorough review before it is acted on.

Mayor Powell said it is important that Council be able to see a proposed ordinance before it is sent to DEQ. Beller said Council was made aware of the proposed ordinance being prepared and a memo that it was being sent to DEQ, but it was a pretty stringent ordinance. Williams said a phased in approach may be needed if the regulations are being changed by a large degree. Beller said everyone favored keeping grease out of the sewer system and public education is needed in that regard, but there are still concerns. Baker said he agreed Council should be given the courtesy of reviewing any proposed ordinances and that he would make sure the Council is given copies before sending it to a state agency.

CONSENT AGENDA:

13. Consider the following damage claims recommended for denial: Paula and Michael Moore. Exhibits: Legal Opinion/Recommendation. Action: Claims denied.

14. Consider the following damage claims recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Anthony and Julie Capuccio; Floyd Keller, Sr.; Sammie and Mary Powell; Randall and Tammie Reynolds; and Michael and Barbara Woolard. Exhibits: Legal Opinions/Recommendations. (Resolution No. 99-13 on file in City Clerk's Office) Action: Claims approved as follows: Capuccio \$300.88; Keller \$350.00; Powell \$45.00; Woolard \$68.17

FLOYD KELLER, SR. CLAIM WAS PULLED FROM ITEM 14 FOR SEPARATE CONSIDERATION AS SHOWN BELOW.

(Title only) Resolution No. 99-13

A resolution authorizing and directing the City Attorney to assist Randall and Tammie Reynolds in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton, and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Two and 03/100 Dollars (\$1,002.03).

ITEM 15 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

16. Consider approving Releases of Mortgage on residential property belonging to: John H. and Annie Mae Todd; Eunice M. Harrison; Alexander and Kyong Ae Morales; Maria J. Benham; Juanita J. Gonzales; and Wallace and Curmett Faye Carrier, and Release of Conditional Lien on residential property belonging to Mary L. Dorsey, all of Lawton, Oklahoma, and authorize execution of the Releases of Mortgage and Release of Conditional Lien. Exhibits: None. (Releases on file in City Clerk's Office) Action: Approve the Release of Mortgages and Conditional Lien on the properties belonging to the above listed persons, and authorize execution of the Releases of Mortgage and Conditional Lien.

17. Consider approving a Release of Mortgage on residential property belonging to Judith C. Hilliard located at 4614 SW Beta Avenue in Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. (Release on file in City Clerk's Office) Action: Approve the Release of Mortgage on the property belonging to Ms. Judith C. Hilliard, and authorize execution of the Release of Mortgage.

18. Consider adopting a resolution authorizing the Municipal Judge and Municipal Court Clerk to dispose of certain municipal court documents. Exhibits: Resolution No. 99-14.

(Title only) Resolution No. 99-14

A resolution authorizing the Municipal Judge and Municipal Court Clerk to dispose of certain Municipal Court documents as provided by law.

19. Consider adopting a resolution authorizing the City Clerk to dispose of certain original records which have been reproduced on microfilm. Exhibits: Resolution No. 99-15.

(Title only) Resolution No. 99-15

A resolution authorizing the City Clerk to dispose of certain original records which are kept by the City Clerk and which have been accurately reproduced and perpetuated on film in all detail, such records being as follows: expired contracts, nuisance files; board minutes and meeting notices; and miscellaneous correspondence.

20. Consider accepting Phase II of a sewer main improvement, surety in lieu of completed improvements, and a maintenance bond for the sewer which will serve the Bar-S Plant. Exhibits: Location Map. (Escrow Agreement, Maintenance Bond on file in City Clerk's Office) Action: Accept Phase II of the sewer facilities for the Bar-S plant, escrow agreement in lieu of completed improvements, and maintenance bond.

21. Consider approving the plans and specifications for a water line extension on a block fronting along Interstate Drive between SE H and SE J Avenues. Exhibits: Location Map. Action: Approve the plans and specifications for a waterline

extension on a block fronting along Interstate Drive between SE H and SE J Avenues subject to DEQ approval and compliance with Article 8, Chapter 21, Lawton City Code, 1995.

22. Consider accepting the Sewerline Maintenance Project 98-2 as completed by S.M. Burk Mechanical and placing the Maintenance Bond into effect. Exhibits: None. Action: Accept the Sewerline Maintenance Project 98-2 as completed by S.M. Burk Mechanical and place the Maintenance Bond into effect.

23. Consider awarding a construction contract for the FY 98/99 CDBG Sewerline Rehabilitation Project 98-1 SSES. Exhibits: Bid Tabulation of 12/8/98; Location Map. Action: Award a construction contract to Krapff/Reynolds Construction Company in the amount of \$162,008.20 for the FY 98/99 CDBG Sewerline Rehabilitation Project 98-1 SSES.

24. Consider accepting a permanent drainage and utility easement from Local Federal Bank and Mr. & Mrs. Graham in the northeast quarter of Section Twenty-Nine (29), Township Two North (T-2-N), Range Twelve West (R-12-W). Exhibits: None. Action: Approval of item.

ITEM 25 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

26. Consider approving a contract with Hospice of Lawton for the Cosponsorship Program. Exhibits: None. (Contract on file in City Clerk's Office) Action: Approval of item.

27. Consider awarding contract for Pea Gravel. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to City Concrete, Inc. of Wichita Falls, TX

28. Consider awarding contract for Polyethylene Pipe. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Cooper Wholesale, Inc. of Pryor, OK

29. Consider awarding contract for Pipe Laser. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Spectra Laser Products, Inc. of Oklahoma City, OK

30. Consider awarding contract for Wrecker Service. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to A-1 Wrecker Service of Lawton, OK, and to Alford's Wrecker Service of Lawton, OK.

31. Consider awarding contract for Glass Beads. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to SWARCO Reflex of Mexia, TX.

32. Consider awarding contract for Footwear (Safety, Athletic, Walking). Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Bill's Scoreboard of Lawton, OK; Woodward's of Cyril, OK; and Lawton Red Wing Shoe Store of Lawton, OK.

33. Consider awarding contract for Self-Contained Hydraulic Fusion Machine. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Secor of Houston, TX

34. Consider extending contract for Emergency Traffic Control System. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Consolidated Traffic Controls, Inc. of Arlington, TX to 3/31/2000.

35. Consider extending contract for Jail Food and Supplies. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Wilson Wholesale Company, Inc. of Lawton, OK to 3/31/2000.

36. Appointments to Boards and Commissions. Exhibits: Memorandum.
Lawton Arts & Humanities Council: Boyd Fisher, Term: 1/26/99 to 6/30/99
Citizens' Advisory Committee CIP: Frank Wamsley, Ward 2 Rep., Term: 1/26/99 to 9/24/99
Human Rights & Relations Commission: Kathleen Percival, White Rep., Term: 1/26/99 to 9/30/2001

37. Consider approval of payroll for the period of January 25 through February 7, 1999.

Shanklin asked for separate consideration of Items 15 and 25. Smith asked that the Floyd Keller, Sr. claim in Item 14 be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of the Floyd Keller, Sr., claim in Item 14, and Items 15 and 25. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

14. Consider the following damage claim recommended for approval: Floyd Keller, Sr. Exhibits: Legal Opinions/Recommendations

Smith said he would abstain and withdraw from participation on this item. He left the room at this time.

Vincent said Smith had a conflict of interest on the claim and therefore asked to be excused. Vincent recommended

approval of the claim in the reduced amount of \$350.00, and the claim involved a sanitation truck spilling paint on a pick up truck.

MOVED by Williams, SECOND by Purcell, to approve the Keller claim as recommended. AYE: Haywood, Warren, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. OUT: Smith. MOTION CARRIED. (Smith returned to the meeting at this point.)

15. Consider approving Modification P00038 to the Fort Sill water contract which established water rates for Fort Sill for FY 1997. Exhibits: Proposed letter and P00038 Modification. Recommended Action: Approve Modification P00038 and the proposed letter to the Contracting Officer of Fort Sill, and authorize the Mayor to authenticate Modification P00038 in four copies.

Shanklin said information shows that the billing rate is .5026 per thousand gallons to Fort Sill, but during 1996-97, Fort Sill paid .485 and the total billing for 1996-97 is \$456,000. He asked if we overbilled Fort Sill and owe them the difference. Livingston said the billing rate is figured one year, according to the contract, which was modified in 1955, and the billing rate for the coming year is to be based on the past year's actual rate. Livingston said in the 1996-97 year, we billed four months at .41 and eight months at .51, and the rate for 1996-97 should be billed at a .43 rate, which is the rate that was approved by Council last year. Shanklin asked if we owed Fort Sill \$28,000 and Livingston said yes.

Purcell asked if we bill at the actual rate for the preceding year and Livingston said yes. Purcell said the information shows the rate for 1996 was .5026 but we actually billed .4311, and asked if that was correct. Livingston said that is not correct, we billed four months at .41 and eight months at .51.

Beller said information shows that the rate is computed on the actual cost of producing water during the fiscal year ending June 30, 1996. He asked how that is determined, and stated Council received a memorandum stating what would be spent to determine that. Livingston said the contract dates back to April 1952, and the City Engineer at that time, established the cost of the City's assets, to include the lakes and lines that fed Fort Sill and historic costs that date back to the original dam construction. Livingston said a price was agreed to in regard to the infrastructure that was above Fort Sill for the water system, and since that time, there has been an annual modification to the contract where costs are identified for items that are added to the City's inventory and depreciated over periods of 30 or 50 years. The costs are audited by the Department of the Army on a pretty regular basis, so there is a fairly good cost structure for the cost of water that is produced above Fort Sill. Livingston said the information from Stanfield & O'Dell, and what becomes another issue, is that there is not that kind of record kept on the distribution lines within the City itself, and he was not sure how Stanfield & O'Dell would approach those costs. Livingston said he was not uncomfortable with the costs shown for the items above Fort Sill.

Beller said there has been discussion regarding parity in water costs, and the costs to the citizens of Lawton versus the cost to those outside the City limits, or Fort Sill. He asked if it was time to make a cost adjustment. Livingston said there is an adjustment made every year in the cost for Fort Sill, but the contract itself is not renegotiated.

MOVED by Shanklin, SECOND by Williams, to approve Item 15 as recommended. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

25. Consider approving a contract with Dr. James Brock to write an historical play for Lawton's Centennial Birthday. Exhibits: None. (Contract on file in City Clerk's Office)

Shanklin said he wanted to call attention to the fact that Dr. James Brock was selected to write a play for Lawton's centennial birthday celebration, and that Dr. Brock is a home grown product of Lawton.

MOVED by Shanklin, SECOND by Haywood, to approve the contract with Dr. Brock. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Purcell said an action needed to be returned to identify another \$25,000 from Council Contingency to put toward the centennial celebration.

BUSINESS ITEMS:

38. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton. Exhibits: None.

39. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton. Exhibits: None.

40. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending civil suit styled Linda Tyer vs. The City of Lawton and Joe Henson, Case No. CJ-98-1221A, in the United States District Court for the Western District of Oklahoma, and, if appropriate, take action in open session. Exhibits: None.

41. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to consider the reappointment of Judge Ken D. Harris as Municipal Judge for a two-year term, and in open session, approve the Employment Agreement between the City and Judge Harris and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Employment Agreement (distributed separately).

MOVED by Williams, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:10 p.m., after a ten minute recess, and reconvened in regular, open session at 8:30 p.m. with roll call reflecting all members present.

Vincent reported the Council met in executive session on the four items listed on the agenda. He said no action is needed on Item 38 regarding police negotiations. Vincent said on Item 39, fire negotiations, he recommended a motion authorizing the City Attorney to seek outside negotiation services and bring back a contract.

MOVED by Smith, SECOND by Warren, to authorize the City Attorney to seek outside negotiation services and bring back a contract. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

Vincent said Item 40 is the Tyler lawsuit against the City of Lawton and Joe Henson. He said Mr. Henson has requested representation in that case, and based on the determinations made by the City Attorney's office, they cannot recommend that the City of Lawton provide legal assistance to Mr. Henson and requested a motion to deny that request.

MOVED by Smith, SECOND by Warren, to deny the request for legal representation by Mr. Henson. AYE: Shanklin, Warren, Smith, Williams, Sadler, Purcell. NAY: Beller. ABSTAIN: Haywood. MOTION CARRIED.

Vincent said Item 41 is the employment agreement of Municipal Judge Ken Harris.

MOVED by Williams, SECOND by Warren, to approve the employment agreement of Municipal Judge Ken Harris. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Williams said he received a note concerning ODOT's response on Sheridan Road being returned to the City, and the maintenance efforts, and there was previous discussion that Lawton appeared to maintain all the roads within the City limits anyway. Warren said if the maintenance question is the only thing to keep the roadway from being returned to Lawton, he did not see that as a difference in what is happening now. Williams said that was his feeling also. Beller said he agreed and that he could not find any maintenance being done on Sheridan Road by the State. Beller said he felt that part of the problem was the negative correspondence that starts the process. Shanklin said any time we converse with a state entity, it should be sent across the Mayor's desk first with a copy to Council so there will not be surprises. Beller agreed any time there is a very negative response, it would be helpful to provide copies to the Mayor and Council.

Baker said Council authorized the Mayor to send a letter to Bob Rose, who had indicated that such an agreement could be worked out if Council so desired, and there had been no response so he asked the Traffic Engineer to contact Mr. Rose to see where he was at on the agreement. Baker said Rose's response was that he had not started the agreement and it was not a high priority item, however, he wanted to make sure the City understood that if it is given authority over those decisions that we also will be assuming responsibility for maintenance of the road. Baker said he wanted to be sure that Council was aware of that before he went back to Rose to request the agreement. Beller asked what was meant by the last sentence that the agreement was a relatively low priority. Baker said he had not spoken with Mr. Rose and could not say that those were his words, and that he would speak with Mr. Rose. Mayor Powell said Mr. Rose had always been easy to talk with and had tried to help Lawton.

Beller said he did not think the City had any influence on Lowe's withdrawing from their agreement regarding the property at Sheridan and Lee Boulevard. He said there are still negative feelings with the business and construction people, and builders and developers, but he did not feel the City had any liability regarding Lowe's withdrawing from this market, and it seemed to be a marketing decision by those who had looked at the numbers.

Mayor Powell said he asked Baker if he had any knowledge of the reason for Lowe's withdrawing, and he did not and everyone had been doing what they could to make the project work out. He said he also visited with Chuck Wade in this regard and they tried to contact about five different people and found one trying to find out if there was a problem with Lawton or the Public Schools or to find the reason. Mayor Powell said he did find the number for the senior vice president and they had tried to contact him two or three times and had not been able to contact him, but as far as he had heard, the City was not irresponsible in any action whatsoever in their decision making to not be here. Shanklin suggested that the Council would support the Mayor writing a letter to the CEO at Lowe's to inquire as to the problem. Mayor Powell said he would do so.

Purcell said Ron Kirby is working on legislation to try to solve the downstream flooding problem. A committee meeting was supposed to have been held today. It was assigned to the Judiciary Committee and the meeting was not held, but it will be held in February and several plan to attend.

Smith said there will be a blood drive on February 16 and a plaque will be awarded to the department with the highest percentage of participation.

Haywood said the citizens on Davenport from 16th to Douglas Avenue would like to thank Public Works for the work done on Douglas Avenue. One block is finished and work continues on to Sheridan Road.

Baker said at the last Outside Water Sales Committee meeting the group voted to ask the Council to have a workshop on outside water sales, and nothing has been done on that yet. He said he would get with the City Clerk, if so desired, to set that meeting up. Baker said he sent a memorandum on the 1999-2000 budget and gave information on the revenues and things the City will face next year, and his plans. He said he needed to know if Council would like to have a meeting to give guidance on the operating budget. Williams asked if Council could have a retreat, possibly out of town, to brain storm items such as this. Vincent said the Council can set a special meeting at any location if it posts the notice and agenda.

Baker said he sent a memorandum concerning reassignment of engineering staff members, and it will not be initiated until February 8 to allow for Council comment. He said it was clear to him that he did not have the authority to reorganize a department, and this is a reassignment for the duration of this fiscal year and if it works well, he would request the change in next year's budget.

Baker said a response was received from the auditor on the water cost study and he would discuss that with the Finance Director to formulate a recommendation for Council consideration.

There was no further business to consider and the meeting adjourned at 8:45 p.m. upon motion, second and roll call vote.